

REMARKS

In the Office Action, claims 16-31, 46-74 and 94-103 were rejected. More specifically:

- Claims 16-31, 46-74 and 94-103 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005/0144133 (Hoffman) in view of U.S. Patent Publication No. 2003/0018522 (Denimarck); and
- Claims 16-31, 46-74 and 94-103 were further rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,167,517 (Gilchrist) in view of Denimarck.

Claims 16, 23, 46, 51, 61 and 66 have been amended. No new matter has been added as a result of these amendments. Upon entry of this response, claims 16-31, 46-74 and 94-103 will remain pending. For the reasons set forth below, Applicants request that the above-listed rejection be withdrawn.

Applicants note that the Examiner's analyses of independent claims 16, 46, 61, 94 and 99 do not reference the limitations of such claims, but instead reference the limitations of cancelled claim 1. Indeed, several limitations of independent claims 16, 46, 61, 94 and 99 are not specifically addressed by the Examiner in the office action. As such, if a subsequent office action is required during the prosecution of this application, Applicants request that such an office action be made non-final because Applicants have not had an opportunity to reply to specific rejections made by the Examiner for the pending claims.

Claims 16-31

Applicants submit that claim 16 is nonobvious over either Hoffman or Gilchrist in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 16. *See* MPEP §2143 (stating that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all the claim limitations). More particularly, Applicants submit that neither the combination of Hoffman and Denimarck nor the combination of Gilchrist and Denimarck teaches or suggests, among other things, "in the event the matching biometric record was pre-approved at the at least one database. approving, at the unattended age verification station, the age-restricted transaction," as recited in claim 16.

Hoffman teaches a tokenless biometric system for processing electronic transmissions using at least one user biometric sample. A user's biometric sample is transmitted to a data processing center from a biometric input apparatus via a computer network. Hoffman at [0069]. The data processing center uses an electronic identifier to compare the user's bid biometric sample with previously stored biometric samples. *Id.* at [0135]. If a match occurs, the electronic identifier transmits the identity of the user or a user identification code to a module that determines data relevant to the transaction. *Id.* at [0156] and [0170]. The data is then provided to the user or an authorized third party. *Id.* at [0174].

Hoffman further describes that the comparisons may take place at multiple Identicators, including a master Identicator and local Identicators. *Id.* at [0237]-[0238]. When such a configuration is used, a transaction is processed by transmitting a user's biometric record to the master Identicator if the local Identicator cannot identify the user. *Id.* at [0239]. If the party is properly identified at the master Identicator, the transaction is processed and the user's identity information is transmitted from the master Identicator to the local Identicator so that the next time the user will be successfully identified by the local Identicator. *Id.*

Hoffman does not disclose "approving, at the unattended age verification station, the age-restricted transaction" as required by claim 16. Claim 16, as amended requires that the unattended age verification station that approves the transaction include a biometric identification device (i.e., a biometric input apparatus). The device that approves transactions in Hoffman (the electronic identifier) does not include a biometric identification device. For at least this reason, Hoffman does not teach all of the limitations of claim 16.

Denimarck teaches a method of biometrically identifying a customer tendering a payment. The customer provides a pin code and a biometric characteristic to a biometric sensing device. The sensing device queries a memory to obtain payment information associated with a matching stored fingerprint recognition profile for the customer. If found, the payment information may be used for payment processing. Denimarck at [0074]. Denimarck does not resolve the deficiencies of Hoffman. Denimarck merely retrieves payment information associated with a matched biometric profile. Denimarck does not approve a transaction at an unattended age verification station comprising a biometric identification device.

Gilchrist teaches a method of authenticating an identity of a user to secure access to a host system. Gilchrist receives an identifier from a user at a client system. The identifier is used

to retrieve a template containing biometric data associated with the user at a host system that is returned to the client. The template is compared with biometric data and a message digest is computed using the template, the comparison result, and an encryption key. This information is then sent to the host system to authenticate the user. *See Gilchrist at Abstract, 5:49 – 6:65.* Gilchrist does not teach approving a transaction at the unattended age verification station. Rather, approval for the transaction is determined by the host system. *See id.* at 6:30-42. For at least this reason, Gilchrist does not teach all of the limitations of claim 16.

As such, Applicants submit that independent claim 16 is nonobvious over the combination of Hoffman and Denimarck and the combination of Gilchrist and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 16. *See* MPEP §2143. Applicants further submit that claims 17-31, which depend from and incorporate all of the limitations of claim 16, are also nonobvious over the cited references. *See* MPEP §2143.03 (stating that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious). Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 16-31 be withdrawn.

Claims 46-60

Applicants submit that claim 46 is nonobvious over either Hoffman or Gilchrist in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 46. *See* MPEP §2143. More particularly, Applicants submit that neither the combination of Hoffman and Denimarck nor the combination of Gilchrist and Denimarck teaches or suggests, among other things, “in the event the matching biometric record was pre-approved at the at least one database, approving, at the unattended age verification station, the age-restricted transaction,” as recited in claim 46.

For substantially the same reasons stated above in reference to independent claim 16, Applicants submit that independent claim 46 is nonobvious over the combination of Hoffman and Denimarck and the combination of Gilchrist and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 46. *See* MPEP §2143. Applicants further submit that claims 47-60, which depend from and incorporate all of the limitations of claim 46, are also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the

reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 46-60 be withdrawn.

Claims 61-74

Applicants submit that claim 61 is nonobvious over either Hoffman or Gilchrist in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 61. *See* MPEP §2143. More particularly, Applicants submit that neither the combination of Hoffman and Denimarck nor the combination of Gilchrist and Denimarck teaches or suggests, among other things, “approving, at the unattended age verification station, an age-verification access level for the transaction,” as recited in claim 61.

For substantially the same reasons stated above in reference to independent claim 16, Applicants submit that independent claim 61 is nonobvious over the combination of Hoffman and Denimarck and the combination of Gilchrist and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 61. *See* MPEP §2143. Applicants further submit that claims 61-74, which depend from and incorporate all of the limitations of claim 61, are also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 61-74 be withdrawn.

Claims 94-98

Applicants submit that claim 99 is nonobvious over Hoffman or Gilchrist in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 99. *See* MPEP §2143. More particularly, Applicants submit that neither the combination of Hoffman and Denimarck nor the combination of Gilchrist and Denimarck teaches or suggests, among other things, “prompting a system user to proffer an enrollment data, wherein the enrollment data is less than an amount of data needed for a complete enrollment,” as recited in claim 94.

Hoffman, Denimarck and Gilchrist each disclose registration processes in which all user data required for performing a transaction is received from a user during an enrollment process. *See* Hoffman at [0110] – [0125]; Denimarck at [0052] – [0056]; Gilchrist at 5:49 – 6:65. None

of Hoffman, Denimarck or Gilchrist discusses prompting a system user to proffer less than an amount of data needed for a complete enrollment, as required by claim 94.

As such, Applicants submit that independent claim 94 is nonobvious over the combination of Hoffman and Denimarck and the combination of Gilchrist and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 94. *See* MPEP §2143. Applicants further submit that claims 95-98, which depend from and incorporate all of the limitations of claim 94, are also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 95-98 be withdrawn.

Claims 99-103

Applicants submit that claim 99 is nonobvious over Hoffman or Gilchrist in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 99. *See* MPEP §2143. More particularly, Applicants submit that neither the combination of Hoffman and Denimarck nor the combination of Gilchrist and Denimarck teaches or suggests, among other things, “prompting a database operator to proffer for the system user an enrollment data, wherein the enrollment data is less than an amount of data needed for a complete enrollment,” as recited in claim 99.

For substantially the same reasons stated above in reference to independent claim 94, Applicants submit that independent claim 99 is nonobvious over the combination of Hoffman and Denimarck and the combination of Gilchrist and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 99. *See* MPEP §2143. Applicants further submit that claims 100-103, which depend from and incorporate all of the limitations of claim 99, are also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 99-103 be withdrawn.


All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 05-0426.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

Respectfully submitted,
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Date: August 8, 2007